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Human rights situations that require the Council's attention

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Honduras: deteriorating human rights situation needs urgent measures

Amnesty International is increasingly concerned about the human rights situation in Honduras, in particular about human rights violations against human rights defenders, women and girls, Indigenous, Afro-descendant and *campesino* (peasant) communities, and LGBTI people. These violations take place in a context where impunity for human rights violations and abuses is endemic and where organized and common crime is high. In 2011, according to UN figures, the homicide rate in Honduras was the highest in the world.[1]

Amnesty International recognises that in this context, the Honduran authorities face a challenge to guarantee public security. However, public security for all cannot be achieved at the expense of human rights.

Human Rights Defenders

Scores of human rights defenders in Honduras, including Indigenous and peasant leaders, LGBTI activists, justice officials and journalists have been victims of human rights violations in recent years. They have suffered killings, physical violence, kidnapping, death threats, threats of sexual violence and verbal attacks. Despite repeated calls from the United Nations, the Organisation of American States and Honduran human rights defenders themselves, no state mechanism has been developed to protect human rights defenders.

In July 2013, for example, three human rights defenders – a judge, an LGBTI activist and an Indigenous leader were killed within the space of less than two weeks in different parts of the country. All of them were defending justice and equality.

More recently, on 7 December 2013, two unidentified men shot dead journalist Juan Carlos Argeñal in his house in Danlí, in the southern department of El Paraíso. He was a correspondent for Radio Globo and Globo TV, as well as the owner of a local TV station and a political activist. In the months prior to his murder he had been reporting about corruption in local government, and in July 2013 he was threatened, apparently because of his investigative journalism.

Communities, groups and people most at risk

The **Indigenous peoples and Garífuna (Afro-descendant) communities** are discriminated against and suffer inequality, for example, in relation to their rights to land, housing, water, health and education. Large scale projects are carried out on their lands without being consulted and without their free, prior and informed consent. Indigenous and Garífuna leaders have faced fabricated criminal charges and have been the target of attacks and intimidation in reprisal for their work in defence of human rights. A recent example of this situation is the case of Bertha Cáceres, a Lenca Indigenous leader and general coordinator of the Civic Council of Popular and Indigenous Organizations in Honduras (COPINH), who has been harassed and intimidated and, according to the information received, is facing bogus criminal charges. Recently the judicial authorities themselves have dropped the charge against her for possessing an unlicensed firearm because there was no evidence of her carrying one. Bertha Cáceres has always insisted that the firearm allegedly found in her car was planted there. Despite this particular charge being dropped, she continues to face other charges and the legal system continues to be used against her. She is still facing charges of inciting others to commit crimes, in relation to protests her community has organised against a hydroelectric plant.

In July 2012, Lenca Indigenous leader Tomás García, also prominent member of COPINH, was shot dead by the army during a protest in Río Blanco, Intibucá Department. Lenca indigenous communities have been demonstrating since April 2013 against a hydro-electric power project in their territory, claiming that they had not been consulted or given their free, prior and informed consent.

[1] UNODC Homicide Statistics, available from: www.unodc.org/unodc/en/data-and-analysis/homicide.html

The long standing disputes over land between **peasant communities** and powerful landowners are one of the underlying causes of the high levels of violence faced by peasant communities in the regions of Bajo Aguán and Zacate Grande. Local organizations of the Bajo Aguán claim that in the last five years there have been over 120 killings related to the disputes over land.

Violence against **women and girls** is rife, with civil society groups reporting 606 killings of women in 2012, the highest number since 2005. Between December 2013 and January 2014, there was a wave of killings of female sex workers. In San Pedro Sula city, northern Honduras a transgender sex worker and nine women sex workers were killed in circumstances that are yet to be clarified.

Lesbian, gay, bisexual, transgender and intersex (LGBTI) people in Honduras suffer discrimination and violence. The positive step of reforming the Criminal Code in 2013, which enabled the punishment of hate crimes, must be implemented. Worryingly in recent months, there have been attempts by some Congress members to repeal this reform.

Impunity

Among the dozens of cases of human rights violations and abuses committed against human rights defenders in the last five years, according to the information Amnesty International has received, in only one case were those responsible prosecuted, convicted and sentenced. In April 2013, the then Attorney General explained to the National Congress that the Attorney General's Office only had the capacity to investigate 20% of the country's homicides. This institution is overwhelmed by the high levels of violence and crime in the country and it lacks the necessary resources to do its job effectively. In some cases even the prosecutors themselves have been afraid of taking action given the dangerous context.

The National Police should play a crucial role in criminal investigation, given that they are responsible for gathering and protecting evidence. However, they lack resources, expertise and accountability. Numerous reports indicate that the police frequently participate in human rights violations and organised criminal activities.

The independence of the judiciary is also a concern. For example, in December 2012, the National Congress voted to remove four of the five Supreme Court judges who comprise the Constitutional Chamber of the Supreme Court of Justice. The judges had earlier delivered a judgement that blocked a law proposed by Congress intended to facilitate a clean-up of the police force. The judges found some aspects of the law to be unconstitutional.

Role of the international community

Amnesty international urges the members and observer states of the Human Rights Council to:

- express concern at the human rights situation in Honduras especially regarding the situation of the groups most at risk;
- call upon the newly appointed Honduran Government to develop and implement a national human rights plan of action, paying particular attention to the situation of those who are most vulnerable;
- insist on the establishment of a state mechanism to provide comprehensive measures to protect human rights defenders at risk; and
- urge the UN Office of the High Commissioner for Human Rights to strengthen and expand its presence and mandate in the country.